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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,232	02/27/2004	Brian Evilsizer	16-558	7986
7590	10/25/2004		EXAMINER	GUSHI, ROSS N
WATTS HOFFMAN CO., L.P.A. Suite 1750 1100 Superior Avenue Cleveland, OH 44114			ART UNIT	PAPER NUMBER
			2833	

DATE MAILED: 10/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/789,232	EVILSIZER, BRIAN	
	Examiner	Art Unit	
	Ross N. Gushi	2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-38 is/are pending in the application.
 - 4a) Of the above claim(s) is/are withdrawn from consideration.
- 5) Claim(s) ✓ 1-30, 32, 33, 35-38 is/are allowed. 31, 34
- 6) Claim(s) is/are rejected.
- 7) Claim(s) is/are objected to.
- 8) Claim(s) are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 2/27/04 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**ROSS GUSHI
PRIMARY EXAMINER**



Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/20/04

- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in —

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a);

Claim 34 is rejected under 35 U.S.C. 102(b) as being anticipated by Healy. Per claim 34, Healy discloses (see figure 2) a receptacle for receiving an electrical plug, comprising: a housing including a front face; a plurality of channels formed in the front face and extending into said housing, a plurality of bus conductors 20 situated within said channels for supplying electrical current to a prong of the electrical plug wherein said bus conductors are in electrical communication with an electrical energy supply.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly in view of Clayton and Domigan.

Regarding claim 34, Kelly discloses a baseboard comprising a front face (e.g. the surface of insulating strips 27, 29) generally parallel to the wall surface; and three elongated narrow channels formed in the front face of the baseboard wherein said channels extend inwardly towards the wall, wherein each channel includes a bus conductor (31, 33) and has a receptacle end that is adapted to receive a prong of an electrical plug and wherein a first channel has a first bus conductor, a second channel has a second bus conductor that is a ground conductor and the third channel has a third bus conductor that has a non-ground potential, wherein said conductors are in electrical communication with an electrical energy supply.

To the extent that Kelly does not say specifically that one conductor is switched, Clayton discloses a power distribution system including switch 21 on one power line. At the time of the invention, it would have been obvious to switch control separately the power circuits as taught in Clayton. The suggestion or motivation for doing so would have been to enable power to device of choice, as taught in Clayton and as is well known in the art. Kelly does not specifically show the surge protector between the supply and conductors. Domigan discloses a power distribution system including circuit breakers (surge protectors) 34 between the power supply and the conductors. At the time of the invention, it would have been obvious to include surge protectors between the supply and conductors in the Kelly system as taught in Clayton. The suggestion or

motivation for doing so would have been to ensure the safety of the system, as taught in Clayton and as is well known in the art.

Allowable Subject Matter

Claims 1-30, 32, 33, 35-38 are allowable. Claims 1, 14, 22, 32, and 33 require a bus conductor that has a constant non-ground potential. A constant non-ground potential means that the potential is unchanging in time, i.e. the power cannot be alternating current power typically used in power distribution systems (AC systems by definition use a non-constant potential). The prior art power distribution systems are used for distributing power and do not state that the power is DC. There is no obvious reason to use the prior art systems to distribute DC (constant non-ground potential) power. The examiner notes that the applicant has made a particular claimed distinction between constant non-ground potential and simply non-ground potential (as in claim 31).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ross Gushi whose telephone number is (571) 272-2005. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Paula A. Bradley, can be reached at 571-272-2800 extension 33. The phone number for the Group's facsimile is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ROSS GUSHI
PRIMARY EXAMINER